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Transnational influences on Domestic Violence Policy and Action – Exploring Developments in China and England

Marianne Hester

School for Policy Studies, University of Bristol
E-mail: marianne.hester@bristol.ac.uk

Recognised as a global concern by the UN, and increasingly acknowledged as a gendered crime and welfare issue in such diverse settings as the UK and China, domestic violence provides an important window on the development of policy and action in a global context. Focusing specifically on England and China, and mainly on the latter, the article highlights the need for gender to be an integral aspect of global social policy analysis, examines the impact of international organisations (governmental and non-governmental) on domestic violence policy development, and demonstrates the importance of country context in constructing and implementing global policy frameworks.

Introduction

It is difficult to talk about violence against women in different locations across the globe without also considering the impact of globalisation and transnational social policy debates and activities, as these are likely to impact on action and policy development regarding violence against women in specific countries. Since the 1970s, violence against women has shifted from being a 'private' issue, to being recognised as a public issue and organised against at a global level. Violence against women became part of a global social policy when, following pressure from feminists in the 1980s, the issue began to be acknowledged by the UN and eventually to be seen as a human rights violation (Pietilä and Vickers, 1996).[1] However, while discussion of globalisation or transnational social policy has been evident in the debates about policy development and action in relation to some aspects of violence against women – such as trafficking – it has not been similarly evident with regard to domestic violence.[2] This article attempts to overcome this gap by beginning to explore the relevance of transnational factors to action and policy development regarding domestic violence in the very different contexts of England and China. As will be shown, transnational influences have been much more important in the more recent developments regarding domestic violence in China, than in relation to the (much earlier) developments in England. In England, it was bilateral influences that were initially more important, and it is only very recently that the global policy framework is being drawn on by activists and academics to push for a further deepening in policy development.

Creating change

Global contexts

It has to be recognised that globalisation may create possibilities for both positive and negative change where women are concerned. On the one hand, it can result in

increases in or development of certain forms of violence against women within a context of 'patriarchal reconstruction' and re-creation of previous patterns of male dominance (Hester, 1996). On the other hand, it may create the possibility for important links and alliances as well as spaces for activism and change (Naples and Desai, 2002; Hester, 2004; and see Kaldor, 2003).

With increasing economic globalisation, and parallel commodification of both people and sex, there has undoubtedly been an increase in certain types of exploitation and violence against women. The obvious examples are in relation to East Asia and Eastern Europe, where, as previously socialist or communist, and so-called developing, economies have become more market oriented, some forms of violence against women also appear to have increased and old forms re-emerged. Partly as a response to issues arising from economic globalisation, but also in response to gender-based atrocities in war, violence against women became an issue taken up by the UN during the 1980s, and especially during the 1990s. As Pietilä and Vickers (1996) point out:

> Since the mid-1980s, the attention given to the question of violence against women has been expanding rapidly. From timid beginnings, it has now become the subject of resolutions of both the General Assembly and the Security Council. (Pietilä and Vickers, 1996: 143)

Of particular importance in placing the issue of violence against women on the UN agenda was pressure from feminists, organising transnationally (Pietilä and Vickers, 1996). While the *Convention on the Elimination of Discrimination Against Women* 1979 (CEDAW) did not mention violence against women directly, *General Recommendation* number 19, adopted in 1992, clarified that CEDAW does include violence against women in its understanding of discrimination (Sen *et al*., 2004). A specific UN *Declaration against Violence against Women* was adopted in 1993, and in 1995 the UN Women's Conference in Beijing agreed a *Platform for Action* that includes violence against women.

Local contexts – the UK

Comparative research examining policies and approaches concerning domestic violence, carried out largely in the West, has tended to conclude that the existence of strong women's movements and concerted activism have been central to the attainment of policy changes aimed at reducing domestic violence at national levels (Weldon 2002; Dobash and Dobash, 1992). This also bears a similarity to the picture outlined above in relation to global policy change. Weldon (2002) found in particular that governments' responses to violence against women are improved, where such institutions or 'women's policy agencies' are in possession of considerable resources and also maintain a close relationship with women's movement activists.

Such an analysis fits the policy trajectory in England, where it was the activism of the women's movement during the 1970s and 1980s that was key to bringing violence against women, including domestic violence, on to the policy agenda, and where continued pressure from activists has led to changes in both domestic violence policy and practice (Hague, 1999; Skinner *et al*., 2005). At governmental level, since the mid 1990s, there has also been the establishment of both inter-ministerial and inter-departmental groups to consider the policy implications of domestic violence (Hague, 1999). Statutory organisations such as the police have liaised with activists to develop victim or survivor-sensitive approaches. Moreover, both activists and academics engaged

in work on domestic violence have been more closely involved in discussions regarding policy, especially since the Labour Government came into power in 1997 (Skinner *et al*., 2005). In many respects the changes that have taken place, including shifting the perception of domestic violence from a private to a public issue, may be seen as a major achievement of the UK women's movement. This approach to creating change with regard to domestic violence can be characterised as use of pressure from *outside* the state, resulting in increased mainstreaming of the issues in social policy and incorporation of the individuals concerned (Dobash and Dobash, 1992; Watson, 1990).

At the same time, transnational links and alliances have also been important in transfers of ideas, policies and practice to England, especially the bilateral links involving the United States – where colonial history has ensured a common language and legal system with the UK (Hester, 2004). The initial ideas and debates about domestic violence and development of refuges in the 1970s were profoundly influenced by the slightly earlier developments that had taken place in the United States (Dobash and Dobash, 1992).

The especially rapid development in policies and initiatives to counter domestic violence evident in England (and across the UK more generally) since the early 1990s, have involved criminalisation of domestic violence, including pro-arrest policies, combined with more holistic community and multi-agency interventions (Hague *et al*., 1996; Hester and Westmarland, 2005). The most recent development has been the English *Domestic Violence Act* 2004, which places further emphasis on criminalising domestic violence. These approaches again owe much to the influence of previous work in the United States, and in particular the work of the Duluth project in Minnesota (Pence and McDonnell, 2000). The transfer of knowledge, policies and practice from the Duluth project is evident in both government policy documents and practice across England – most recently with regard to the adoption by the police of risk assessment in relation to domestic violence perpetrators (Women's Unit, 1999; Taylor-Brown, 2001; Hester and Westmarland, 2005; Pence, 2005).

By contrast, the global policy initiatives of the UN have had relatively little impact on English domestic violence policy development. What is interesting, however, is that feminists in England are now beginning to use the UN policy framework, and in particular the CEDAW as a focus for pressuring the Government to take policy further, and in particular to create more 'joined up' policy that links the various forms of violence against women – such as domestic violence, rape and trafficking – in a wider framework of gender inequality and human rights violations (see Sen *et al*., 2004; Kelly and Lovett, 2005). For instance, a shadow NGO report on violence against women has very recently been submitted to the UN committee overseeing progress on the implementation of CEDAW (Sen *et al*., 2004). As the authors of the report explain:

> The VAW sector in the UK is just coming to see and hopefully to use the potential in international human rights law both to push for appropriate actions for our government in the UK and to hold it to account through an international arena. Women's groups elsewhere in the world have been doing this for some years; we would do well to follow their lead. (Sen *et al*., 2004: iii)

Creating change in China

Making violence against women in China public

In China, the development of action and policy on domestic violence has a more recent history. It has become apparent especially in the past decade, in the period leading up

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to and since the UN Women's conference in Beijing in 1995. New Chinese legislation regarding the *Protection of Women's Rights and Interests* was enacted in 1992, and the new *Marriage Law* in 2001 explicitly mentioned domestic violence for the first time as grounds for divorce and for compensation.

The 1985 UN Women's Conference in Nairobi provided the impetus for Chinese academics and others to examine the 'maltreatment of women in Chinese families' (Sun, 1997: 1). Between 1985 and 1995, there were occasional high-profile cases mentioned in the press. One of the first major public references was an article written in 1991 by Pi Xiaoming – a lawyer in the Beijing All China Women's Federation – published in the Federation's journal *Women in China* (it had previously been rejected by a Beijing newspaper as it was only seen to be addressing an irrelevant and nonexistent issue (Milwertz, 2003)).

However, it was especially in the period leading up to and following the 1995 UN Women's Conference in Beijing that research and other activity regarding women in China became more highly profiled and gained momentum (Howell, 1997). The 1995 UN conference, and its location in Beijing, created a space where violence against women, whether domestic violence, sexual harassment or rape, could increasingly be made public. As Evans outlines:

> Unofficial women's groups[3] have pointed out that the international focus on women in 1995 gave them their first opportunity to bring the issue [of sexual violence] into the public arena. (Evans, 1997: 182)

It has to be recognised that in China the development of action and policy on domestic violence has followed a somewhat different trajectory to that in the UK and many other democracies due to the centralised nature of the Chinese one-party state (Hester, 2004). None the less, the impetus for change that is now apparent in the Chinese context relies on women organising and pushing for new policies and practices. Milwertz (2002), for example, talks of how a 'new wave' of the Chinese women's movement has emerged since the 1980s, which is:

> characterised by the innovation – within the political context of the People's Republic of China – of women organising on their own initiative. (Milwertz, 2002: 5)

However, the nature of the Chinese state makes it difficult to organise autonomously let alone influence the state via pressure from outside, and criticism of state policies may lead to containment and sanctioning of those concerned. Feminist activists in China have consequently developed ways of challenging existing discourses and exerting pressure on the state that may be characterised as *from within* and *from the margins* of the state by participation in and use of state-sanctioned bodies and organisations. This approach is one of reform and does not challenge the existence or approach of the Government or state as such (Howell, 1997; Croll, 2001; Wesoky, 2002; Milwertz, 2003).

None the less, a number of contextual and historically situated features have allowed for the creation of spaces in China, where emergence of new discourses and activities have been possible. These include the leverage that global activities and transnational links provide; tensions that have arisen from the economic reforms regarding both women's position and a wider need for 'welfare' support, as well as the centrality of gender equality rhetoric in state discourse. Structurally and intellectually what may be called the 'non-governmental public spaces of civil society' have thus emerged (Croll, 2001: 34).

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The impact of economic reform

Many Chinese writers and feminists suggest that the recent reforms and development of a 'socialist market economy' since the end of the Cultural Revolution in the late 1970s appear to be increasing the degree of violence against women (see Hester, 2000 and 2004). This is seen as linked to a context of gender inequality and the increasing unemployment of women resulting from economic re-structuring in response to global markets, including the new pressures on families to achieve – although the more public debate and heightened awareness about such violence are also likely to have played a part (Wang, 1999; Hester, 2000). Economic activities involving primarily the sexual exploitation and violation of women have also re-appeared in China, such as prostitution and the abduction, kidnapping and sale of women for wives. The access to pornography has seen a massive expansion via new television networks and the Internet.

It is important to recognise that after the regime change in 1949, the Chinese communists were critical of the traditional discourse concerning gender, requiring a woman to subject herself to the authority of her father when she is young, her husband when she marries and her son when she is widowed (Tang *et al*., 2002: 976). Women were now said to 'hold up half the sky', reflecting the more egalitarian approach, and equality between women and men became official state policy (Arend, 2000). While there has undoubtedly been a move in China towards greater equality between men and women since 1949, with dramatic changes in the lives of women, this has (as in the West) involved an emphasis on men's participation in the workplace and a dual role for women in both workplace and domestic sphere (Milwertz and Qi, 1995; He, 2003).

During the reform period, the contradictions between a supposed gender equality and the reality of greater economic and other structural inequalities for women have not only become more apparent, but the reforms have enabled spaces to develop where it has been possible for female urban intellectuals to critically comment on these issues. Moreover, the inclusion of gender equality in Chinese state rhetoric has meant that discussing and challenging existing discourses related to gender have tended not to be seen as 'political' or perceived as threatening in the way that other issues such as 'democracy' have been.[4]

Transnational links

At the same time, transnational links involving feminists from other countries, and often created via attendance at international meetings and conferences, have also fed into and had an influence on the shape of the Chinese debates and the developing discourse concerning violence against women and gender. As Gao Xiaoxian from the Shaanxi Association for Women and Family explains, it was participation in the Asia-Pacific NGO Forum in Manila in 1993 and a visit to Australia that brought her into contact with NGOs in many other countries and led to changes in the way she saw NGO development of support for women:

> As their starting position was the needs of women and they are of direct service to women, I began to understand and appreciate the activist aspects of feminism. After my return to China, I started to plan for the establishment of a women's legal aid centre. (Gao, 2001)

Many Chinese activists and academics working on violence against women (and on domestic violence in particular) are now adopting and developing a specifically gendered

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analysis (Gao, 2001; Milwertz, 2003; Wesoky, 2002; Hester, 2004). These changes, and transnational influences, can be discerned in the Chinese linguistic frameworks used to express ideas about domestic violence, which have changed dramatically over the past ten years.[5] Domestic violence in China has until recently been termed '*da laopo*' (wife-beating), a violent act of a man against his wife and *'nuedai'* – maltreatment. These terms were linked to biologistic and individualistic rather than gender-based (and thus socially constructed) notions of violence against women. New research and activism that developed in the 1990s used the directly translated concept of domestic violence (*jiating baoli*) and also specifically 'domestic violence against women' as a means of including gender awareness (*zhen dui funü de jiating baoli*) (Hester, 2004; and see Wesoky, 2002; Milwertz, 2003).

The main Chinese women's organisation, the All China Women's Federation (ACWF), has since the 1980s been involved in pushing the policy agenda regarding domestic violence (Hester, 2000; Jaschok *et al*., 2001). However, the Federation's close connection to the state also initially made the leadership more reluctant to engage transnationally with the issue – even after the UN Women's Conference in Beijing. They were concerned that it was a 'sensitive' issue that would lead to criticism of China. By the late 1990s, however, it was apparent that recent visits abroad by the ACWF leadership as well as transnational engagement by others from within the Federation (such as Gao, above) resulted in the Federation both re-prioritising the issue as well as drawing on transnational debates and practice.

From transnational to local – domestic violence policy development in China

> In the past, the fight against domestic violence was often sidelined in the government's work agenda due to the wrong belief that the government should not play the leading role in stopping the problem, said Wang Lixian, deputy head of Furong District in Changsha, capital of Hunan Province in Central China . . . The government should play the dominant role in establishing a network of research and intervention into domestic violence, not just a co-ordination role, Wang stressed. His district government set the goal of zero-domestic violence and made great efforts to achieve the ambition (Sun, 2003).

This quote from the Chinese newspaper *China Daily* exemplifies the kind of policy discussions and changes that are now evident in China with regard to domestic violence. Crucial to this shift has been the new 'movement wave' and related organisations, often set up with the aid of transnational funding, although developed within the constraints of official acceptance in some way by the state[6] (Howell, 1997; Hester, 2000; Milwertz, 2003; Hsuing *et al*., 2001).

The increasing inequalities and vulnerabilities faced by Chinese workers as a result of the economic reforms since the late 1970s have created new challenges of social order for the Chinese Government. The Government has responded by developing embryonic welfare provision, for instance in the form of unemployment benefits and pensions (Guan, 2003). This recognition by the Chinese state of the need to respond to social problems via development of social policy and welfare activity has also been important to the acceptance of the new women's organisations and activities. For instance, in 1998 the Communist Party indicated that women's and other hotlines should be seen as providing a useful social service with regard to the 'mental health of the nation'. This has contributed to securing the existence as well as reflecting the increasingly important role of these

new organisations (Hester, 2000). One of the most recent developments has been a large multi-agency domestic violence project, entitled 'Domestic Violence in China – Research, Intervention and Prevention' (*Fandui zhen dui funü de jiating baoli – duice yanjiu yu ganyu xiangmu*), partially funded from Swedish and Canadian international development grants.[7]

Being part of official networks has proved to be an important mechanism for being able to impact on policy decisions via state organisations. The new organisations in combination with official organisations (in particular the All China Women's Federation) have managed, by using networks of influence, creating public awareness through the media and use of an increasing research-evidence base, to influence policy development at the local state if not the national state level. The new Domestic Violence Network is proving especially effective. The project began mainly in Beijing, but has extended its activities to other urban as well as rural areas. A primary aim of the project is to change the law, and to achieve a specific offence of domestic violence (something also being argued for, but still denied, in relation to the new English *Domestic Violence Act* 2004). Alongside other women's organisations, the project is arguing that existing legislation (including the new *Marriage Law* 2001) does not go far enough in protecting women from male violence, nor does it fulfil women's rights and interests. The project has held training for the judiciary and legal profession, and has begun to draft preliminary legislation on 'the prevention and control of domestic violence', based on careful analysis and development of case law (Qi, 2002: 171). The All China Women's Federation has previously voiced the need for a legislative approach to domestic violence, and the inclusion of domestic violence in the Marriage Law is an expression of this (Hester, 2000). However, the proposals from the DVN are likely to go much further and the project is managing, through their contacts and approach, to obtain endorsement of their work at many official levels.

Conclusions

The article has explored the importance of global policy debates and alliances to local action and policy development, and how these have impacted to different extents and at different times in the quite different contexts of England and China. In countries such as China, where activism and policy development concerning domestic violence is relatively recent, global social policy and transnational alliances created via international and global meetings have enabled activists to draw on ideas and policy frameworks from outside the nation state. In England, where there is a longer history of debate and policy development regarding domestic violence, global social policy has become important to activists and academics wanting to move policy developments even further within a framework of gendered inequality and human rights. The article has also considered how the particular socio-political contexts within which women's movements operate have to be taken into consideration in understanding the influencing of policy development across different localities. Interestingly, use by Chinese activists of pressure from 'within' and 'at the margins' of the state is also proving to be effective in challenging and developing domestic violence policy, as use of pressure has been, in very different circumstances, from 'outside' the English state. However, the article provides merely exploration of these issues. Consideration of transnational influences on domestic violence policy development and action, including the relevance of transnational and local networks and movements,

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remains in the early stages and further systematic research is very much needed in this area.

Notes

1 In Europe, supranational governance has also been of significance in the development of policies and practices concerning violence against women; however, there is not space in this article to discuss this further (see Keeler, 2001; Reid, 2003; Hester, 2004).

2 Research in both the UK and China indicates that the phenomenon of domestic violence is gendered, with a range of violent behaviour being used mainly by men against women in intimate heterosexual relationships (Walby and Allen, 2004; Sun Xiaohua, 2003). Domestic violence occurs in same sex relationships, although there is only limited research in this area (Hester *et al*., 2000). Domestic violence may also involve the wider family network, and is now defined by policy makers to include family members in both the UK and China (Hester, 2000; Hester and Westmarland, 2005).

3 That is the new women's organisations being developed outside the state, but still officially recognised. These new organisations were in addition to the All China Women's Federation (Women's Federation), the only official women's organisation, which was set up in 1949 by the Communist Party with a view to implementing and generating active support for the Party's policies among women (see Rai, 1992; Croll, 1983).

4 Perhaps ironically it is in the West that women's groups and their supporters – who have fought from below for changes to the gender order – have historically been perceived as more of a threat to the existing social order.

5 This can also be seen as part of a wider development of women's studies and adoption of Western terms such as 'gender' which did not previously exist in the Chinese language (Wesoky, 2002). While there has been much criticism of the potential 'colonization' or 'imperialism' engendered by feminists in Southern countries being directly influenced by those in Northern or Western countries and regions (Naples, 2002), what is especially interesting here is that Chinese activists adopted gender awareness as an approach to violence against women following interaction with other Southern feminists, for example from India (see Milwertz, 2003).

6 New organisations or groups cannot easily be established in China. They have to become officially recognised by the Chinese state in order to exist. Since 1989, this has involved formal registration with the Ministry of Civil Affairs (Howell, 1997).

7 From June 2003, this organisation was called the Domestic Violence Network.

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